



**THE ATTORNEY GENERAL
OF TEXAS**

GERALD C. MANN

ATTORNEY GENERAL

AUSTIN 11, TEXAS

May 24, 1939

Hon. Carl Periman, County Attorney
Hall County
Memphis, Texas

Dear Sir:

Opinion No. 0-779

Re: Duty of county to carry Workmen's
Compensation Insurance on its em-
ployees.

Your request for an opinion upon the following question:

"Is it the duty of the county or of the road precincts to
carry employers liability insurance for the protection of road
workmen and the county"?

has been received by this department.

Tex. Jur., Vol. 45, p. 455, Sec. 69 - Workmen's Compensation - States,
Counties and Cities; reads as follows:

"The compensation law was obviously intended to apply to in-
dustrial employment. It does not apply to states, counties or
cities in their performance of governmental functions . . . By a
constitutional amendment adopted November 3, 1936, (Art. 3, Sec.
59) the Legislature is given power to pass 'such laws as may be
necessary to provide for Workmen's Compensation Insurance for
such state employees, as in its judgment is necessary or required;
and to provide for the payment of all costs, charges, and premiums
on such policies of insurance; providing the state shall never be
required to purchase insurance for any employee.'"

Article 3, Section 59, Constitution of Texas, reads as follows:

"The Legislature shall have power to pass such laws as may be
necessary to provide for Workmen's Compensation Insurance for such
state employees, as in its judgment is necessary or required; and
to provide for the payment of all costs, charges and premiums on
such policies of insurance; providing that the state shall never
be required to purchase insurance for any employee."

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Pursuant to the constitutional authority of Article 3, Section 59, Texas Constitution, the Legislature on June 11, 1937, passed Article 6674s, which provides for Workmen's Compensation Insurance for employees of the Texas State Highway Department. Under this act the Highway Department is self-insuring and carries its own insurance as set out in the statute. The Legislature has not extended the benefits of Workmen's Compensation Insurance to any other bodies or departments of the state government than the Texas State Highway Department.

The county and its political subdivisions are protected by their sovereignty. The law does not require the Commissioners' Court to take out insurance.

You are, therefore, respectfully advised that it is the opinion of this department that it is not the duty of the county or of the road precinct to carry employer's liability insurance for the protection of road workmen or the county.

Trusting that this answers your inquiry, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By /s/ Wm. J. Fanning
Wm. J. Fanning
Assistant

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APPROVED:

/s/ Gerald C. Mann

ATTORNEY GENERAL OF TEXAS.

APPROVED
OPINION
COMMITTEE
BY
CHAIRMAN